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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,738	09/19/2006	Bernhard Eckhardt	40149/02201 (067P 0975)	2990
30636 7590 10/08/2009 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER KELLER, MICHAEL J				
ART UNIT		PAPER NUMBER		
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10/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,738

Applicant(s)

ECKHARDT ET AL.

Examiner

Michael J. Keller

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 7,13,15 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-12,14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I in the reply filed on 06/08/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 17-19 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

3. Applicant's election with traverse of Species I in the reply filed on 06/08/2009 is acknowledged. The traversal is on the ground(s) that Figs. 1-3 are related to a single generic inventive concept, as recited in claim 1. This is not found persuasive because claim 1 is anticipated by Gobush et al. (US 4,001,971), as explained below. The features recited in claim 1 are indeed generic to all three figures, but they are not inventive.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 7, 13 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 06/28/2009.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the walls converging downwards in the manner of a funnel (as claimed in claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9-11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 1 recites "an arrangement" in line 10, and claim 9 recites "a guiding arrangement" in line 3. It is unclear whether the "guiding arrangement" is different from the "arrangement" recited in claim 1. Based on Applicant's Specification and the Remarks filed 06/08/2008, Examiner assumes that the "guiding arrangement" is a part of the "arrangement". Examiner suggests changing the terms "arrangement" and "guiding arrangement" to more clearly distinguish the two parts. For clarity, Examiner will refer to the "arrangement" as the "positioning arrangement" throughout this Office Action.
9. Claim 16 recites "a side panel module according to claim 10" and "a door module according to claim 10a". Claim 10 does not recite a side panel module, and claim 10a does not exist.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-5, 8, 12, 14 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Gobush et al. (US 4,001,971).**
12. Regarding **claim 1**, Gobush discloses a window lift system comprising:

13. a pulling device 67, 77
14. a catch 45 for a window pane, the catch being moved up and down by the pulling device, the catch having a first fastening point 57 for an upwardly pulling end of the pulling device and a second fastening point 55 for a downwardly pulling end of the pulling device, the second fastening point being horizontally off-set from the first fastening point in the window pane plane when the window pane is fitted; and
15. a positioning arrangement 37 positioning and fixing the catch in respect of at least three degrees of freedom.
16. Regarding **claim 2**, the system is mounted in a door 15.
17. Regarding **claim 3**, the catch is fixed with respect to four degrees of freedom (it is only capable of vertical sliding along the rod 37 and rotation around the rod 37).
18. Regarding **claim 4**, the pulling device is a cable.
19. Regarding **claim 5**, see Fig. 1 and 4.
20. Regarding **claim 8**, the arrangement includes a lower stop (the bottom portion of the c-frame 25).
21. Regarding **claims 12, 14 and 16**, the system is mounted in a door 15.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gobush et al. (US 4,001,971) in view of Thomas (US 5,992,099).

24. Gobush discloses a window lift system according to claim 8, but does not disclose the catch having a locking element for snapping into a recess in the window pane.

25. Thomas discloses a catch 3 having a locking element 30 (Fig. 1a).

26. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide the catch of Gobush with the locking element of Thomas, to prevent the window from sliding out of the catch.

27. As best understood, claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gobush et al. (US 4,001,971) in view of Evulich (US 2,015,622).

28. Gobush discloses a window lift system according to claim 8, but does not disclose a guiding arrangement comprising walls or a cone.

29. Evulich discloses a guiding arrangement comprising a cone 4 on which a member 1 sits.

30. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide the window lift system of gobush with the cone and member of Evulich, in order to prevent the catch 45 from slamming when the window is fully opened.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
Unit 3634

/M. J. K./

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